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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/575,676      | 10/25/2006  | Jill McDonald Boyce  | PU030282            | 2230             |

24498 7590 07/19/2011  
Robert D. Shedd, Patent Operations  
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| EXAMINER |
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BHATNAGAR, ANAND P

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| ART UNIT | PAPER NUMBER |
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2624

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| MAIL DATE | DELIVERY MODE |
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07/19/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/575,676

**Applicant(s)**

BOYCE ET AL.

**Examiner**

ANAND BHATNAGAR

**Art Unit**

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-7 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 4-7 and 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/11/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 02/04/11 has been entered.
2. Applicant had previously canceled claims 1-3,-8-10, and 21. Claims 4-7 and 11-14 were previously withdrawn. Currently, claims 4-7 and 11-20 are pending. Examiner refers to the action below.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15, 17, and 18 are rejected under 35 U.S.C. 101 because these claims do not pass the machine transformation test. They are not tied to a machine, nor is there any transformation taking place, further it can be performed manually.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray et al. (U.S. patent 5,641,596) further in view of Yakame (U.S. patent 4,930,023).

Regarding claim 15: Gray et al. discloses a method for simulating bit accurate film grain in an image block (abstract, figs. 2 and 3, col. 1 lines 36-55, col. 2 lines 22-65, and col. 5 line 16 to col. 6 line 59), comprising the steps of: computing the average of the pixel values within the image block (col. 2 lines 25-35 and col. 5 line 16 to col. 6 line 59).

Gray et al. does not teach the feature of "randomly selecting, as a function of the average value of the image block, a block of bit accurate film grain from among a pool of previously established blocks of bit accurate film grain. Yakame teaches the feature of " randomly selecting, as a function of the average value of the image block, a block of bit accurate film grain from among a pool of previously established blocks of bit accurate film grain" (abstract, fig. 7, col. 4 lines 34-51). It would have been obvious to one ordinary skilled in the art to combine the teaching of Yakame to that of Gray et al. since they are analogous in adding grain to images. One ordinary skilled in the art would have been

motivated to incorporate the feature of Yakame to that of Gray et al. in order to obtain a specific texture of the images required.

Regarding claim 16: The method according to claim 15 further including the step of blending each pixel in the selected film grain block with a corresponding pixel in the image block (Gray et al.; fig. 3 and col. 5 line 16 to col. 6 line 60 where the grain is added to the images, i.e. read as blending).

Regarding claim 17: The method according to claim 15 wherein the step of randomly selecting a film grain block further includes the step of accessing a look up table containing random numbers to obtain a random number (Yakame; fig. 7).

Regarding claim 18: The method according to claim 16 further comprising the step of populating the look-up table in advance of film grain simulation with random numbers generated by a random number generator (Yakame; fig. 7).

Regarding claim 19: See claims 15 and 16

Regarding claim 20: See claim 17.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANAND BHATNAGAR whose telephone number is (571)272-7416. The examiner can normally be reached on M-Th 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on 571-272-4650. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anand Bhatnagar/  
Primary Examiner, Art Unit 2624  
July 18, 2011